



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Battle Mountain Field Office
50 Bastian Road
Battle Mountain, Nevada 89820
<http://www.nv.blm.gov>



In Reply Refer To:
NV063-EA05-57
1790
NVN-079769
3809
(NV063)

AUG 18 2005

Dear Reader:

The Bureau of Land Management (BLM) has recently approved the plan of operations for the Fire Creek Exploration Project, BLM case file number NVN-079769, located in Lander County, Nevada. The exploration project will result in up to 50 acres of surface disturbance consisting of drill holes and trenches. The environmental impacts resulting from the exploration project were analyzed in Environmental Assessment NV063-EA05-57. If you would like to obtain a copy of the environmental assessment, or if you have any questions, please contact Caleb Hiner at (775) 635-4052.

43 CFR § 3809 APPEAL STATEMENT

If you do not agree and are adversely affected by this decision, in accordance with 43 CFR §3809.804, you may have the BLM State Director in Nevada review this decision. If you request a State Director review, the request must be received in the BLM Nevada State Office, 1340 Financial Blvd. 89502, P.O. Box 12000, Reno, Nevada 89520-0006, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR § 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director.

If the Nevada State Director does not make a decision on whether to accept your request for review of this decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You then have 30 days in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass the State Director review, this decision may be appealed directly to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR § Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (Battle Mountain Field Office, 50 Bastian Road, Battle

Mountain, Nevada 89820) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR § 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR § 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Sincerely,

A handwritten signature in black ink, appearing to read 'Roberta McGonagle', written in a cursive style.

Roberta McGonagle
Acting, Assistant Field Manager
Nonrenewable Resources

1 Enclosure

1. Form 1872-1 (1-pp)